

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ERIK J. FALK,

Plaintiff,

v.

FAIRFAX COUNTY SCHOOL BOARD,

Defendant.

Civil Action No.: 1:21-cv-117-TSE-JFA

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S UNOPPOSED MOTION FOR
LEAVE TO FILE RULE 26 DISCLOSURES OUT OF TIME**

Plaintiff, through Counsel, filed his Rule 26 pre-trial disclosures March 4, 2022 (ECF No. 32), although the due date for such disclosures was March 3, 2022 pursuant to the court’s Rule 16(b) Scheduling Order (ECF No. 19, and see ECF No. 18). Plaintiff’s undersigned counsel erroneously believed the disclosures were timely on March 4, 2022. Upon reviewing Defendant’s objections to the disclosures, filed March 14, 2022 (ECF No. 33), Plaintiff’s counsel reviewed the deadlines and noticed the mistake. As such, Plaintiff’s counsel reached out to Defendant’s counsel by email regarding the instant motion, to which Defendant’s counsel indicated that a Motion for Leave to File the Rule 26 Disclosures Out of Time would not be opposed.

Plaintiff avers that no undue prejudice will occur because of the late filing. Defendant has noted its objections to the disclosures (ECF No. 33) and has had notice of the disclosed exhibits and witnesses (except as objected to for Alan Levinstone) through prior disclosures, discovery, and the Opposition to Defendant’s Motion for Summary Judgment (ECF Nos. 28, 28-1). Based on the foregoing good cause, Plaintiff requests leave of court to file its Rule 26 Disclosures, and in the interests of justice such filing to have occurred March 4, 2022 by ECF No. 32.

